

FULWIDER • PATTON
AUG 31 2005
FULWIDER PATTON LEE & UTECHT, LLPHOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CALIFORNIA 90045
(310) 824-5555 • (310) 824-9696 FAX**FAXED**

FACSIMILE TRANSMISSION

Date: August 30, 2005

	<u>Telephone</u>	<u>Facsimile</u>
To: Ex. Marie Patterson / Art Unit 3728 U.S. Patent and Trademark Office	(571) 272-4559	(571) 273-8300

CONFIDENTIALITY NOTICE

THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN CONFIDENTIAL INFORMATION BELONGING TO THE SENDER WHICH IS LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF ORIGINAL DOCUMENTS TO US.

From: Scott R. Hansen

Re: U.S. Application No. 09/592,462
Applicant: Tracy E. Grim et al.
Filed: June 9, 2000
Title: FOOTGEAR WITH PRESSURE
RELIEF ZONES
Art Unit: 3728
Examiner: Marie Patterson
Customer No.: 24201

Client/Matter: ROYCE-66774

Number of pages (Incl. this page): 6

If You Do Not Receive All Pages, Please Call Scott R. Hansen, Esq. at (310) 824-5555, Ext. 731

☐ Original to follow ☒ Original will NOT follow

COMMENTS/MESSAGE:

Please deliver to Examiner Marie Patterson at Art Unit 3728.

100003.1


*08/31/2005 - FAX ORIGINALLY SENT 08/30/2005
BUT NO PTO CONFIRMATION REC'D. RESPONSE IS*

RECEIVED
CENTRAL FAX CENTER

AUG 31 2005

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner Marie Patterson of Art Unit 3728. on August 30, 2005.



Scott R. Hansen, Reg. No. 38,486

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/592,462
Applicant : Tracy E. Grim et al.
Filed : June 9, 2000
Title : FOOTGEAR WITH PRESSURE RELIEF ZONES
Art Unit : 3728
Examiner : Marie Patterson

Docket No.: : ROYCE-66774
Customer No. : 24201

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION OF AUGUST 22, 2005

Sir:

The undersigned thanks the Examiner for indicating that the present application is in condition for allowance.

The Office Action of 08/22/2005 indicates that the original patent must now be submitted. However, it is respectfully noted that a recent retroactive change in 37 CFR

1.178 eliminates the requirement of submitting the original patent. (See 1287 Official Gazette Patent Office 67; see also Official Gazette Notice dated 12 October 2004).

Enclosed are relevant pages from a presentation on the rule change from the website of the U.S. Patent and Trademark Office. It is noted that this new rule change, which is retroactive and applies to this case, is not reflected in the most current version of the MPEP that is available on www.uspto.gov.

In view of the rule change, a Notice of Allowance is respectfully requested without submission of the original Letters Patent.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 

Scott R. Hansen

Registration No. 38,486

SRH:kk

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

99973.1



**Changes to Support Implementation of the USPTO
21st Century Strategic Plan, Final Rule
69 FR 56481 (September 21, 2004)
1287 Off. Gaz. Pat. Office 67 (October 12, 2004)**

BEST AVAILABLE COPY

Office of Patent Legal Administration (OPLA)

(571) 272-7701

Deputy Commissioner for Patent Examination Policy (DCPEP)

PatentPractice@uspto.gov

January 1, 2005

Effective Dates

There are three effective dates based on the September 21, 2004 date of publication of the final rule in the Federal Register, as follows:

1. September 21, 2004 - The changes to 37 CFR §§ 1.4, 1.6, 1.10, 1.27, 1.57(a)(1) & (a)(2), 1.78, 1.84, 1.115, 1.137, 1.178, and 1.311.
2. October 21, 2004 - The changes to 37 CFR §§ 1.8, 1.52, 1.57 (b) - (g), 1.58, 1.63, 1.69, 1.76, 1.83, 1.85, 1.91, 1.94, 1.98, 1.102, 1.105, 1.111, 1.121, 1.131, 1.165, 1.173, 1.175, 1.179, 1.215, 1.324, 10.18 and 104.3.
3. November 22, 2004 - The changes to 37 CFR §§ 1.12, 1.14, 1.17, 1.19, 1.47, 1.53, 1.57(a)(3), 1.59, 1.84(a)(2), 1.103, 1.136, 1.182, 1.183, 1.291, 1.295, 1.296, 1.377, 1.378, 1.550, 1.741, 1.956, 5.12, 5.15, 5.25 and 41.20.

January 1, 2005

BEST AVAILABLE COPY

Reissue Applications

37 CFR 1.175 and 1.178

If a reissue continuation of a reissue application is filed and the parent reissue is not being abandoned, then the continuation must identify an error not corrected in the parent reissue application. § 1.175.

The requirement for physical surrender of the original patent has been eliminated. § 1.178.

- ✓ Surrender is automatic upon grant of the reissue patent.
- ✓ Effective date: September 21, 2004, the date of publication of the final rule.
- ✓ Applies retroactively to all pending reissue applications.

BEST AVAILABLE COPY⁶³

January 1, 2005